



Atty. Dkt. No. OKUY3001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of application:)
Yuichi OKU et al.) Group Art Unit: 1641
Appl. No. 10/070,161) Examiner: Gary Counts
Filing Date: March 4, 2002)
For: KITS AND METHODS FOR)
DETECTING OR MEASURING)
ANALYTES)

RESPONSE TO FINAL ACTION UNDER 37 C.F.R. 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the final action of October 4, 2005. A petition for a further one month extension of time has today been filed as a separate paper and a copy is attached hereto.

The undersigned wishes to thank the Examiner for his kind courtesy in the telephone interview of January 19, 2006. Prior to the interview, the Examiner telephoned to direct the attention of the undersigned to Fig. 5 of the Niemeyer et al patent.

At page 3 of the office action, in explaining the rationale for the rejection for obviousness over Niemeyer et al, the Examiner refers to the "bioconjugate" mentioned at page 14, paragraph [0127], lines 1-5, as meeting the definition of "receptor II" as recited in applicants' claims. Paragraph [0127] referenced by the Examiner describes a "sandwich ELISA" as schematically shown in Fig. 5 (paragraph [0127], lines 13-15). The "bioconjugate" identified by the Examiner as "receptor II" is shown in the attached copies of Fig. 5 (Attachment A) and a somewhat rearranged Fig. 5 (Attachment B).